Matters Raised with Permission Developments in Fodder Scam case before Supreme Court

SHRI BALBIR K. PUNJ (Uttar Pradesh): Thank you Mr. Chairman Sir, I stand here to draw tlie attention of the House and your attention to a very serious development. It has vital implications for the dispensation of justice in this country. It raises important questions about the freedom of judiciary and its capacity to function independent of the Executive. Needless to say the edifice of democracy can stand firmly only on a base provided by a Judiciary which can work independently and without fear.

Sir, the incident, which I refer to, took place in the hon. Supreme Court yesterday. A sitting Judge, who is part of a Three-Member Bench, Justice S.N. Variava, said in the open court—in fact, the entire court was stunned when he said that—that he had been approached in a certain matter and I quote him, "that someone from the Patna High Court approached me"— the hon. Justice of the Supreme Court said this in the open court—"wanting to know whether the Judge of a trial court can be replaced". *...(Interruptions)...*

MR. CHAIRMAN: You have brought the matter to the notice of the House *...(Interruptions)...*

SHRI BALBIR K. PUNJ: Sir, give me one minute. *...(Interruptions)...* Give me one minute, Sir. *...(Interruptions)...* The Bench was hearing a petition filed last year seeking cancellation of the bail to a very prominent member of the Union Cabinet and a farmer Chief Minister of the State. The fact is that an effort has been made *...(Interruptions)...* Now, who has made this effort? *...(Interruptions)...* Who has made this efforts? ... *(Interruptions)...* Obviously the effort was made by...*(Interruptions)...*

MR. CHAIRMAN: Please take your seat. *...(Interruptions)...* You have drawn the attention of the House. *...(Interruptions)...* Now, please take your seat. *...(Interruptions)...* Now, please take your seat. *...(Interruptions)...*

श्री शरद यादव(बिहार):सभापति जी,**...(व्यवधान)...**

MR. CHAIRMAN: Do you want to say something? *...(Interruptions)...*

SHRI BALBIR K. PUNJ: Please sit down. *...(Interruptions)...* Just one minute. *...(Interruptions)...* That matter is over. *...(Interruptions)...* You brought it to the notice of the House. *...(Interruptions)...*

SHRI BALBIR K. PUNJ: No, Sir. This is a very important matter. *...(Interruptions)...*

MR. CHAIRMAN: It is important. That is why I allowed you. *...(Interruptions)...* No. *...(Interruptions)...*

SHRI BALBIR K. PUNJ: Even the senior prosecutor who had appeared in the case has been changed. *...(Interruptions)...* An effort is being made to interfere *...(Interruptions)...*

MR. CHAIRMAN: Now you have brought it to the notice of the House, that is enough. *...(Interruptions)...* That is enough, I am not allowing *ft....(Interruptions)...* That is enough. The matter has been brought to the notice of the House. Let the Minister say something. *...(Interruptions)...* If the Minister is prepared to reply, listen to him. *...(Interruptions)...*

श्री जीवन राय (पश्चिमी बंगाल): अभी सोशल जस्टिस खड़ा हो गया है **...(व्यवधान)...**

श्री शरद यादव: सभापति महोदय**...(व्यवधान)...**

श्री सभापति: अब सभी लोग बोलेंगे क्या ?

श्री शरद यादव: सभापति जी, मैं एक निवेदन करना चाहता हूं**...(व्यवधान)...**मैं इस पर ज्यादा नहीं बोलना चाहता हूं **...(व्यवधान)...**

श्री सभापति: इसके बाहर कौन सा मामला होगा ? देखिए अगर आप लोग इस तरह से डिबेट करेंगे, तो मैटर की importance खत्म होगी **...(व्यवधान)...**

श्री शरद यादव: मैं सिर्फ दो बातें कहना चाहता हूं **...(व्यवधान)...**

श्री सभापति: मेरी तो अनुमति नहीं हैं, आप बोलना चाहें तो बाले लीजिए**....(व्यवधान)...**

श्री सभापति: सभापति जी, हमारे देश में यह कभी नहीं हुआ है कि माननीय अदालत के जो माननीय जज हैं, उन्होंने**...(व्यवधान)...**

श्री सभापति: वह तो बता दिया हैं उन्होंने**...(व्यवधान)...** If there is something new, you can say...(Interruptions)...

श्री शरद यादव: सभापति जी, पहले कभी भी दागियों को मंत्री नहीं बनाया गया , लेकिन यू.पी.ए. की सरकार ने दागियों को मंत्री बनाया और **...(व्यवधान)...**

श्री सभापति: हो गया**...(व्यवधान)....**आप बैठ जाइए **....(व्यवधान)...**Let the Minister speak...(Interruptions) आप बैठ जाइए **...(व्यवधान)...**

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): Mr. Chairman, Sir, I am grateful *...(Interruptions)...*

श्री सभापति: इनको बोलने दीजिए**…(व्यवधान)…**इनको जवाब देने दीजिए**…(व्यवधान)…**पहले इनको सुन लीजिए **…(व्यवधान)….** Let him speak first. *...(Interruptions).* Let the Minister speak first.

SHRI H.R. BHARDWAJ: As an elementary parliamentary practice, let me speak because I am the Minister. I never interfere in you matters. Mr. Chairman, Sir, this is a very serious matter that one hon. Judge while hearing a case made such observations. We do not have the correct record. But what I read in the newspapers is this. He said that a person spoke to him from Patna and asked, "Can we transfer a trial judge during the hearing of a case?" The hoh. Judge, Justice S.N. Variava, snubbed that man, whosoever he was. I am very happy about that. I can assure the House that anybody who tends to interfere in the judicial proceedings, more so when it is before the Apex Court, will be dealt with severely and we will welcome an open inquiry, judicial inquiry into this matter. Nobody should be allowed to browbeat the judiciary, either this side or that side. *...(Interruptions)...*

MR. CHAIRMAN: The matter is over. *...(Interruptions)...* Now we will take up Speical Mentions. *...(Interruptions)...* Now we will take up Special Mentions. *...(Interruptions)...* आप बैठ जाइए, बैठिए**….(व्यवधान)…**वह मैटर नहीं हैं**…(व्यवधान)…**अब हम स्पैशल मैंशन लेंगे **…(व्यवधान)…**वह मैटर नहीं हैं**….(व्यवधान)…**

SHRI M. VENKAIAH NAIDU (Karnataka): Sir, yesterday, an issue was raised in the House with regard to naming of the Hyderabad Airport. The Government has not *...(Interruptions)...*

MR. CHAIRMAN: This issue was raised yesterday and every Member spoke on it. *...(Interruptions)...*

SHRI RAVULACHANDRASEKARREDDY(Andhra Pradesh): The reply given by the Minister was not correct *...(Interruptions)...* He said that the company had passed a Resolution...

MR. CHAIRMAN: If you want to correct the Minister, go by the rules *...(Interruptions)...*

SHRI M. VENKAIAH NAIDU: A company cannot pass such a Resolution...

MR. CHAIRMAN: I won't allow any more discussion on this question *...(Interruptions)...*

SHRI C. RAMACHANDRAIAH: Yesterday, he misled the House *...(Interruptions)...* If you leave it to the decision of private companies *...(Interruptions)...*

श्री सभापति: माननीय सदस्य, एक मिनट , क्या एक ही मामले को आप रोज हाउस में उठाएंगे । इस हाउस की प्रोसीडिंग दूसरे कामों के लिए भी है । आपने कल मामला उठा दिया, एक बार वाक-आऊट किया, एक बार हाउस को एडर्ज़न करना पड़ा । कहीं-न-कहीं तो इस मामले की सीमा होगी । अब मैं एलाऊ नहीं करूंगा **...(व्यवधान)** मैं एलाऊ नहीं करूंगा,

I am not allowing you *...(Interruptions)...*

श्री एम.वेंकैया नायडु: किसी ने नहीं किया, सर,**...(व्यवधान)..**

श्री सभापति: वाक-वाऊट किया तो अच्छा होता । कल सदन की कार्यवाही नहीं चली ।**....(व्यवधान)...**

SHRI M. VENKAIAH NAIDU: Either we talk-out or walk-out. There is no other way out. We don't want a break-out...

MR. CHAIRMAN: There is not talk-out, walk-out and break-outs *...(Interruptions)...* If you want to walk-out, you may do so *...(Interruptions* नहीं, मैं एलाऊ नहीं करूंगा । Nothing will go on record *...(Interruptions)...* I will not allow it to go on record... *(iruSrruptions)...* यह नहीं होगा । आपने एक बार रेज़ कर दिया ।ऐसा नहीं चलेगा। I There is no question of any protest. You do whatever you want. I won't allow *...(Interruptions)...* Nothing will go on record *...(Interruptions)...*

SHRI RAVULU CHANDRASEKAR REDDY:*

MR. CHAIRMAN: It appears you have made up your mind to walk-out *..(Interruptions)...* When you have made up your mind to walk-out, please go ahead *...(Interruptions)...* मैं एलाऊ नहीं करूंगा । माननीय सदस्य, आप यह ध्यान रखिए कि कल सारे दिन की प्रोसिडिंग इस हैदराबाद के एयरपोर्ट को लेकर चली है**....(व्यवधान)...**कृपया मेरी सुन लीलिए । इसमें आपने गवर्नमेंट का जो कुछ भी ध्यान आकर्षित कर दिया, अब गवर्नमेंट जो करेंगी, वही तो हो सकता है । मैं तो कुछ कर नहीं सकता । गवर्नमेंट जो डिसिजन लेगी, वह आपनी जानकारी में हैं । आप जानकारी लेना चाहें तो मैं और जानकारी दिलवा दूंगा । लेकिन आप हर रोज एक ही इश्यू को उठाते रहें,यह मैं एलाऊ नहीं कर रहा हूं, मुझे क्षमा करेंगे**...(व्यवधान)....**में एलाऊ नहीं करूंगा**...(व्यवधान)..**

*Not recorded.

You have the right to protest *...(Interruptions)...*

श्री एम वेंकैया नायडु: चेयरमैन को हमें सजेशन नहीं देना चाहिए कि आपको वाक-आऊट करना चाहिए। यह अच्छा नहीं होगा।

श्री सभापति: मैं सजेशन नहीं दे रहा हूं। आप मुझसे बात कर रहे हैं कि वाक-आऊट करने के सिवाय और कोई तरीका ही नहीं है, तो मैं क्या करूं...(**व्यवधान**)...यही तो कहा है आपने।

SHRI M. VENKAIAH NAIDU: I they want to insult us by thumping their desks, they have liberty to do it *...(Interruptions)...* They have no respect for Opposition *...(Interruptions)...*

श्री सभापति: नहीं,आप उन्हें बोलने दीजिए । आप इस मामले को खत्म कीजिए।*...(Interruptions)...* Mr. Reddy, you have spoken without permission. Finish it now, please *...(Interruptions)...*

SHRI M. VENKAIAH NAIDU: We should be allowed to register our protest. The Government is not at all responding *...(Interruptions)...*

SHRI RAVULACHANDRA SEKAR REDDY: Shri Rajiv Gandhi insulted Shri Anjaiah. Now Smt. Sonia Gandhi is insulting Shri NT. Rama Rao *...(Interruptions)...* They are hurting the feelings of the Telugu people...

MR. CHAIRMAN: That is enough *...(Interruptions)...* I am telling you, that is enough *...(Interruptions)...*

SHRI RAVULA CHANDRA SEKAR REDDY: In protest, we are walking out.

(At this stage, some hon. Members left the Chamber.)

MR. CHAIRMAN: Now, we take up the Special Mentions. *(Interruptions)* Shri Lekhraj Bachani. *(Interruptions)*

श्री दीपांकर मुखर्जी(पश्चिमी बंगाल): सर, अब ठंडा हो गया है, तो उकनी करतूत भी लोगों को मालूम हो जाये।

श्री सभापति : ठीक है, ठीक है।... *(Interruptions)*

RE: RESALE OF CENTAUR HOTEL AT JUHU BEACH

श्री दीपांकर मुखर्जी (पश्चिमी बंगाल): नहीं,सर....(**व्यवधान**) Sir, I have sought your permission to raise this issue in the House. I just want to inform the House that this issue was disscussed in this House on 18th August, 2004. In that discussion, I had mentioned about the apparent scam involved